

## REMARKS/ARGUMENTS

Reconsideration of the present patent application, as amended, is respectfully requested.

Of previously pending claims 1-18, claims 1-11 were allowed and claims 12-18 were rejected. Claim 13 was also objected because of informalities and has been accordingly amended. Claim 1 was also amended to correct a typographical error.

With respect to the rejection of claims 12-18, claim 12 was rejected under 35 U.S.C. §102(e) as being anticipated by newly cited U.S. Patent No. 6,646,789, which issued November 11, 2003 to P.V. Kelkar *et al.* Claims 13 and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by newly cited U.S. Patent No. 5,426,297, which issued June 20, 1995 to J.R. Dunphy *et al.* Claim 17 was rejected under 35 U.S.C. §102(b) as being anticipated by previously cited U.S. Patent No. 6,091,869, which issued June 20, 1995 to M. Sundelin. Claims 14 and 15 were rejected under 35 U.S.C. §103(a) as being obvious over the cited Dunphy patent; and claim 18 was rejected under 35 U.S.C. §103(a) as being obvious over the cited Sundelin patent.

The applicants respectfully disagree with the rejection of claims 12-18, but before addressing the substance of the rejections, the undersigned thanks the Examiner for the clarity of her rejections.

With respect to the rejection of independent claim 12, the Examiner cited the Kelkar patent and Fig. 17A in particular. While the optical amplifier system of Fig. 17A appears similar to the invention of claim 12, they are not the same. Claim 12 recites, "...a wavelength blocker unit connected to said output terminal of said first amplifier stage and said input terminal of said second amplifier stage, said wavelength blocker unit preventing signals of one or more predetermined wavelengths from passing from said first optical amplifier input terminal to said second optical amplifier output terminal...". The Examiner has analogized the optical filter 220 as the applicants' wavelength blocker unit. The optical filter 220 does not operate as a wavelength blocker unit where each wavelength defines a communication channel. The filter 220 does not prevent "signals of one or more predetermined wavelengths from passing from said first optical amplifier input terminal to said second optical amplifier output terminal," as called for in the claim.

Rather, the optical filter 220 operates to change the gain slope of the optical amplifier formed by the two amplifier stages 210a and 210b over the amplifier's operating band of wavelengths. See col. 3, lines 1-3, for example. The optical filter 220 is a fundamentally different element from that called for by the claim; the Kelkar amplifier system is directed toward an entirely different problem than that which the inventors have solved or ameliorated.

This is illustrated by the insertion loss spectrum of the optical filter 220 shown in Fig. 4A. See col. 17, lines 34-37. The slope of the pseudo-parabolic loss extends well over 10nm rendering it completely unsuitable for any channel selection. WDM channels, for example, are separated by 0.8nm so a filter slope should fit (or be close to fitting) within that wavelength separation. Otherwise, many channels would be ill-defined (neither blocked nor passed) and wasted. It is clear that the optical filter 220 is not the applicants' wavelength blocker unit and hence claim 12 should be allowed.

Independent claim 13 was rejected for being anticipated by the Dunphy patent. The Examiner found in the Fig. 1 measurement system of Dunphy "...a coupler 50 connected to said optical fiber 44, said coupler splitting signals of said plurality of wavelengths from said optical fiber...". However, the coupler 50 is not connected to the optical fiber 44. Rather, "[t]he light 40 exits the coupler 16 from a port 42 and propagates along a fiber 44 to an optical collimator 46 which converts the light 40 in the fiber 44 into a collimated beam 48 which exits the collimator 46." Col. 4, lines 18-21. Hence claim 13 is distinguishable from the cited Dunphy patent and hence should be allowable.

Independent claim 17 was rejected for being anticipated by the Sundelin patent. In making the rejection, the Examiner stated, "...Sundelin discloses an optical network comprising: an optical fiber...a plurality of means 57 and 47 connected to and distributed along said optical fiber for inserting light signals of different wavelength into said optical fiber and for splitting said light signals of said plurality of wavelengths from said optical fiber; and a plurality of means 53 (corresponding to said plurality of nodes) connected to and distributed along said optical fiber for filtering out optical signals at selected wavelengths on said optical fiber and distributed among groups of inserting and splitting means and numbering less than said plurality of inserting and splitting means (i.e. numbering half the inserting and splitting means)."

The applicants assert that the Examiner has misread the applicants' claim and has double-counted. Claim 17 calls for a plurality of means "for inserting...and for splitting...(applicants' underlining)". Under the applicants' language, in the Sundelin patent each pair of means 57 and 47 is one means for inserting and for splitting, and hence the number of means 53 equals the number of means for inserting and for splitting. This does not meet the language of claim 17 which should be allowable.

Claims 14-16 should be allowable for at least being dependent upon an allowable base claim (13) and claim 18 should be allowable for at least being dependent upon an allowable base claim (17).

Therefore, in view of the amendments and comments above, the applicants respectfully request that all rejections be withdrawn, that claims 12-18 be allowed in addition to claims 1-11, and the case be passed to issue. If a telephone conference would in any way expedite the prosecution of the application, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,

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